UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,547	02/27/2002	David F. Bantz	YOR920010667US1	9848

35526	7590	02/24/2005

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EXAMINER
TANG, KUO LIANG J

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/085,547	BANTZ ET AL.
		Examiner	Art Unit
		Kuo-Liang J Tang	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This Office Action is in response to the application filed on 2/27/2002.

The priority date for this application is 2/27/2002.

Claims 1-48 are pending and have been examined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 1-14, 16, 19-32 and 34-47 are rejected under 35 U.S.C. 102(a) as being

anticipated by Kroening, US Patent No. 6,775,829.

As Per Claim 1, Kroening teaches that a method, computer program product, and

data processing system for providing automatic, mass-customized preparation of disk

images. (E.g. see Abstract and associated text). In that Kroening discloses the method

that covering the steps of a method comprising:

"receiving software requirements (E.g. see FIG. 2, order 208 and associated text)

from each of a plurality of users (E.g. see FIG. 2, user 202, 204 206 and associated text)"

; and

"generating a disk image containing at least one item of software, wherein the at

least one item of software complies with at least a subset of the software requirements"

(E.g. see FIG. 2 and associated text, e.g. see col. 5:59 to col. 6:50, which states

"...requiring a different driver, software component ...").

As Per claim 2, the rejection of claim 1 is incorporated and further Kroening teaches:

"applying rules to the software requirements to identify software items that comply with the software requirements" (E.g. see FIG. 2 and associated text, e.g. see col. 5:59 to col. 6:50).

As Per claim 3, the rejection of claim 2 is incorporated and further Kroening teaches:

"wherein the rules are stored in a database" (E.g. see col. 6:51-67).

As Per claim 4, the rejection of claim 3 is incorporated and further Kroening teaches:

"wherein the rules include rules mapping a software requirement into a corresponding software item" (E.g. see FIG. 2 and associated text, e.g. see col. 5:59 to col. 6:50, which states "...requiring a different driver, software component ...").

As Per claim 5, the rejection of claim 3 is incorporated and further Kroening teaches:

"wherein the rules include rules specifying when particular versions of a particular software item are to be utilized" (E.g. see FIG. 3D, Software option 320 and associated text).

As Per claim 6, the rejection of claim 3 is incorporated and further Kroening teaches:

"wherein the rules include rules specifying installation options regarding a particular software item" (E.g. see FIG. 3D, Software option 320 and associated text).

As Per claim 7, the rejection of claim 3 is incorporated and further Kroening teaches:

"wherein the rules include rules specifying how to test a particular software item" (E.g. see FIG. 5, block 510 and associated text)

As Per claim 8, the rejection of claim 3 is incorporated and further Kroening teaches:

"testing the disk image" (E.g. see FIG. 6, section 618 and associated text).

As Per claim 9, the rejection of claim 8 is incorporated and further Kroening teaches:

"wherein testing the disk image includes verifying that the at least one item of software complies with the software requirements" (E.g. see FIG. 6, section 618 and associated text).

As Per claim 10, the rejection of claim 8 is incorporated and further Kroening teaches:

"wherein testing the disk image includes verifying that the at least one item of software complies with at least one rule" (E.g. see col. 2:45-58).

As Per claim 11, the rejection of claim 1 is incorporated and further Kroening teaches:

"generating a difference image that represents differences between the disk image and another existing disk image, whereby the another existing disk image may be updated to match the disk image by applying the difference image to the another existing disk image" (E.g. see FIG. 5, station s 516, 518, 520 and associated text, e.g. see col. 11:3-16).

As Per claim 12, the rejection of claim 1 is incorporated and further Kroening teaches:

"wherein the software requirements are received through a network" (E.g. see FIG. 1, network system 10 and associated text).

As Per claim 13, the rejection of claim 1 is incorporated and further Kroening teaches:

"wherein the network includes the Internet" (E.g. see col. 8:55-64).

As Per claim 14, the rejection of claim 1 is incorporated and further Kroening teaches:

"wherein the requirements are represented in a structured format" (E.g. see col. 7:60 to col. 8:6).

As Per claim 16, Kroening teaches a method comprising:

"parsing a plurality of inputs to extract specifications regarding software" (E.g. see FIG. 5, block 508 and associated text);

"evaluating a plurality of rules with respect to the plurality of inputs to derive a set of software items conforming to at least the specifications" (E.g. see FIG. 5, block 510 and FIG. 4 block 406 & 416 and associated text);

"evaluating a second plurality of rules with respect to the plurality of inputs to derive a set of configuration options conforming to at least the specifications" (E.g. see FIG. 4 block 412 & 418 and associated text);

"storing each software item from the set of software items on a storage device" (E.g. see FIG. 2, block 226 and FIG. 4, block 406, 412, 414 and FIG. 5, block 512 and associated text);

"configuring each software item stored on the storage device in accordance to the set of configuration options" (E.g. see FIG. 3A-3D and associated text); and

"generating a disk image from contents of the storage device" (E.g. see FIG. 6 and associated text).

As Per Claim 19, is the computer-readable medium claim corresponding to the method claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

As per Claims 20-32, the rejection of claim 19 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 2-14 respectfully. .

As Per Claim 34, is the computer-readable medium claim corresponding to the method claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

As per Claims 35-47, the rejection of claim 34 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 2-14 respectfully.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 15, 33 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening in view of Humpleman et al. US Patent No. 6,546,419 (hereinafter Humpleman).

As Per Claim 15, the rejection of claim 14 is incorporated and further Kroening does not explicitly disclose Extensible Markup Language (XML). However, Humpleman in an analogous art teaches "wherein the structured format is Extensible Markup

Language (XML)". (E.g. see col. 3:10-17). Therefore, it would have been obvious to incorporate the teaching of Humpleman into the teaching of Kroening to use the structured format like XML. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the selection information for each home device can include an iconic representation of the home device. And, the structured format can include the XML format.

As per Claim 33, the rejection of claim 32 is incorporated and is rejected under the same reason set forth in connection of the rejection of claim 15.

As per Claim 48, the rejection of claim 47 is incorporated and is rejected under the same reason set forth in connection of the rejection of claim 15.

6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening in view of Lo et al. US Patent No. 6,854,120 (hereinafter Lo).

As Per claim 17, the rejection of claim 16 is incorporated and further Kroening teaches:

As Per Claim 17, the rejection of claim 16 is incorporated and further Kroening does not explicitly disclose inputs are requests from hypertext browsers. However, Lo in an analogous art teaches "wherein the plurality of inputs are requests from hypertext browsers". (E.g. see col. 2:21-47). Therefore, it would have been obvious to incorporate the teaching of Lo into the teaching of Kroening so that inputs are requests from

hypertext browsers. The modification would have been obvious because one of ordinary skill in the art would have been motivated to transfer any data entered by the user into the HTML input form and any data stored in the requested HTML page into the ERP application API (E.g. see col. 2:33-35).

As Per claim 18, the rejection of claim 16 is incorporated and further Kroening teaches:

As Per Claim 18, the rejection of claim 16 is incorporated and further Kroening does not explicitly disclose inputs are XML documents. However, Lo in an analogous art teaches "wherein the plurality of inputs are XML documents". (E.g. see col. 2:21 to col. 3:45). Therefore, it would have been obvious to incorporate the teaching of Lo into the teaching of Kroening so that inputs are XML documents. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use XML document as input because the XML file strongly couples the data in the ERP Application to the Java objects and the XML file which specifies the presentation of the Application data.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is (571) 272-
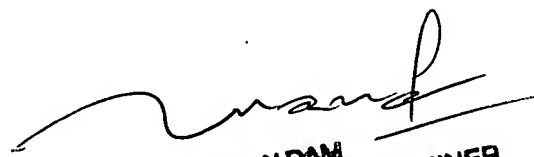
3705. The examiner can normally be reached on 8:30AM - 7:00PM (Monday –

Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Kuo-Liang J. Tang

Software Engineer Patent Examiner

TUAN DAM
SUPERVISORY PATENT EXAMINER